



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/866,345	05/30/97	PAI	EM/2848

BACON AND THOMAS  
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ALEXANDRIA VA 22314

QM21/0601

EXAMINER

SHEPHERD, G

ART UNIT	PAPER NUMBER
3725	2

DATE MAILED: 06/01/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/866,345

Applicant(s)

PAI

Examiner

Shepherd, Gilbert

Group Art Unit

3725

☒ Responsive to communication(s) filed on May 30, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-5 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-5 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage-application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3725

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 25 lines or 250 words and it does not appear on a separate sheet. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 112*

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the word "improved" is objected to in the preamble of the claims for the following reasons: it is unclear whether the applicant intends for the claim to be a "Jepson" claim

or not. In claim 2, line 2 the use of the word "preferably" makes it unclear as to whether the material is to be ceramic or not, making the claim vague and indefinite. In claim 1, line 14 it is unclear whether the disk wings are actually extending from the periphery of the angular hole itself or the periphery of the material that surrounds the angular hole (See Fig 1.).

### *Allowable Subject Matter*

Claims 1-5 would be allowable if rewritten or amended to overcome the rejection(s) under 35.U.S.C.112 set forth in this Office action. The following is a statement of reasons for the indication of allowable subject matter: The art of record considered alone or in combination, neither anticipates or renders obvious a grinder having, a grinding disk with an angular hole at the center and a plurality of inclined radial disk wings, adjusting device with an annular base disk having two wings extending to a disk post having a disk hole and two wing slots and a disk packing having two side wings in combination together with the rest of the claimed limitations set forth in claim 1.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tedioli discloses a small electric pepper shaker having a hollow housing and a spindle. Bigelow discloses hand held cheese grater with a lighting device. DeValle discloses a coffee grinder with a driving device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gilbert Shepherd whose telephone number is (703) 308-7455.

gws

May 26, 1998

A handwritten signature in cursive script, reading "Joseph J. Hail, III".

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JOSEPH J. HAIL, III  
SUPERVISORY PATENT EXAMINER  
GROUP 3200